Carly Ainsworth, Elizabeth Traicus, Jason Law

Mrs. Brown

HZT4U - 1

May 4, 2009

Copyright of material on public sites

The laws pertaining to copyrights and copyright infringement are extensive and mostly unknown to the common person. However, it is the common person to whom knowledge of these laws and policies should be important as they are most affected by them. The problem is that people, especially teenagers, just don’t know what’s legal and what isn’t and in most cases we don’t take the time to read the fine print.

Copyright, privacy concerns and cautions for material on public sites like Facebook, Youtube and Creative Commons are extremely vague, uncertain, and truly a two sided argument. It can be assumed that when somebody posts a video on Youtube, the person owns the video, however that person could have potentially stolen or downloaded that video illegally. The question of copyright and concerns about privacy must be backtracked to the person who uploaded the video, where the person got it from, where the video was made, who owned the video in the first place and these concerns perpetuate a cycle of further questions.

Youtube, a video sharing site launched in 2005, is widely popular. Since this time it has become the third most viewed website on the Internet. Judging by these facts alone, in this small period of time, millions of users worldwide have uploaded, watched, and visited millions of videos which it provides. However, it is unknown the amount of work that is uploaded to the site which in fact infringes on the rights held by other people. Youtube does in fact in its terms of agreement, as well as in their information about copyright, provide information about what is allowed on their site and issues with copyright infringement and responsibility in regard to copyright. They state that it is the user who uploads the video who is solely responsible for it and therefore liable for any copyright infringement (Youtube, 2009). Thus if someone uploads a music video illegally they are the ones responsible for potential punitive damages etc. to the artist or copyright holder. However, Youtube does acknowledge that it is possible that you may use a small piece of copyrighted material without permission based on the clause “Fair Use” an idea discussed with another website entitled Creative Commons.

Creative Commons is a non profit organization that works to reduce barriers to collaboration (Creative Commons, 2009). They provide licenses and other legal information to people who wish to copyright their creative work. These free licenses allow people to put their works online to be shared, used and remade. Although others can then have the rights to use your work if you choose, you still own it and are able to remove it whenever you wish. When someone chooses to publish their work with Creative Commons they customize their type of copyright license in accordance to each piece of work and how they believe this piece of work can be outsourced. For example, four levels of licensing are ‘Attribution’, ‘Share Alike’, ‘Non-commercial’ and ‘No Derivative’. If you, as a creator, agree to attribution, you let others copy, distribute, display and perform your work, but they must give credit the way you request. If you agree to ‘Share Alike’, you allow others to distribute derivative works under a license identical to the license that governs your own work (but a person could never incorporate your own creation into their new one and then try to profit from exclusive rights on it). With a ‘Non-commercial’ license, you let others copy, distribute, display, and perform your work and derivative works based upon it, but for non commercial purposes only. With a ‘No Derivative Works’ license, you let others copy, distribute, display and perform only verbatim copies of your work, not derivative works based upon it. Creative Commons is strict when it comes to copyrighted material and goes all out they can do to protect a user’s work (Creative Commons, 2009).

Another lesser known issue with copyright is more personal to those who use the sites. Many sites, particularly Facebook and Youtube keep records of things they have hosted over the years. Thus, in their terms of conditions they state that when a user uploads, for example a video or a photo, they are in control of its rights however, they forfeit full rights and allow this entity to archive these files for years at a time even after the said file has been taken down or account deleted by the user (Youtube, 2009).

Copyright law is intricate and widely ignored by many. Pirating has emerged as an industry all on its own. However, there are smaller copyright issues specifically pertaining to websites such as Youtube, and Facebook but as well there are websites which allows artists to share- to a certain extent- their copyrighted materials with the rest of us. The problem we must face is that we don’t know the things that we need to know in order to safely use the internet and copyrighted materials. Most of us are unaware of the provision Fair Use which grants limited use of materials for the purpose of education, reporting, criticism or parody, and we are mostly unaware of sites such as Creative Commons which allows us to legally use copyrighted material according to the wants of the artist themselves. Hopefully, if users are informed there will be fewer instances of infringed copyright.